

REMARKS

Reconsideration of the above referenced application is hereby requested. Claims 1-16, 18-20 remain pending in the present application. Claim 17 has been cancelled.

35 USC §103(a) Rejections

The Examiner has rejected Claims 1-4, 9-15, 20 under 35 USC § 103(a) as being unpatentable over Bansbach et al. (DE 3719384) in view of Mullaly et al. (US Patent No. 6,567,032) and further in view of Lin et al. (US Patent No. 5,128,847). Applicant's Attorney respectfully traverses the Examiner under this ground of rejection.

The presently claimed invention is directed towards an individually visually selectable light track fixture wherein the fixture is remotely addressable and may receive commands directly from a remote after visual selection or which may alternatively receive commands from a repeater module removably installed on the track. The claimed invention provides a mechanism for selecting addressing and programming of a plurality of track fixture modules though the use of a hand held remote control unit such that the lamp control modules may be individually programmed and also programmed in a group repeater module after visual selection.

There is nothing in the prior art cited by the Examiner providing for an addressable track light module in which pre-existing track light fixtures may be mounted in an addressable system and in which each track luminaire or lamp control module may be individually addressed by remote communication.

The Examiner has stated in the rejection of the above recited claims that *Bansbach* differs from the claimed invention only by not specifically teaching that the light track fixture housing has a visual light receiving sensor and the housing can enter

into a programming mode when activated by the visible light sensor. The differences between the presently claimed invention and *Bansbach* are much more extensive.

Initially, Applicant's Attorney notes that the Examiner has failed to indicate where in the *Bansbach* reference the final two limitations in Claim 1 are found, namely, storing data representing the brightness of the lamp into the memory and recalling the stored data when the infrared receiver receives the associated commands. It appears the Examiner has not cited the references for these limitations or indicated where in the cited references such a teaching exists.

In regards to the *Bansbach* reference, upon review of the reference it is clear that the luminaire system for light sources which can be freely adjusted and controlled discloses the use of a hand held remote control 4, shown in Figure 2, which communicates by infrared to a PCM decoder within an infrared receiver 5, shown in Figure 2. As is apparent, PCM decoder and infrared receiver 5 receives commands from the remote control unit and communicates such commands to the emitters 1 via a hardwired control line 8, the control line 8 being what appears to be an RS 232 serial communication control line with plug-in ports formed on the sides of each of the units as depicted in Figure 8. Thus, the remote control unit 4 communicates directly with the separate PCM decoder and IR receiver 5 and all of the luminaries are controlled by the PCM decoder 5 only through the control line 8. Control line 8 controls each of the emitters 1 all of which are combined to form groups to be freely adjustable.

This control by PCM decoder and IR receiver 5 of all of the luminaires through the control line 8 is similar to the power line control mechanisms noted in Applicant's disclosure except that serial communication lines are utilized to send commands to the

isolated luminaires. To be controlled, power supplies 7 for each luminaire of the *Bansbach* teachings must have manual switches 30 (shown in Figure 7) set to the appropriate switch settings for the hard wired control line 8 serial communication commands to be recognized.

It is further worth noting that in the *Bansbach* reference, there is no infrared receiver on each of the luminaires 1 or control boxes 2, nor is there an infrared or laser receiver within the light fixture itself. The Examiner has indicated that each of the light fixtures has an infrared receiver, citing to Figure 1, 2: Figure 9, 5. However, it is apparent upon review of the schematic diagram and figures of the *Bansbach* reference that communication exists only between the remote control and the infrared receiver 5 which contains thereon a PCM decoder unit. This is clearly shown in Figure 9 wherein the control line 8 is interposed between the PCM decoder 5, clearly shown in the figure, as being separate from the luminaire, and the control boxes 2, shown in Figure 2, for each of the luminaires 1. Thus, the assertion made by the Examiner that *Bansbach* teaches an addressable light fixture which has an infrared receiver apparently misreads the actual teachings of the reference.

The *Bansbach* reference also fails to clearly teach or suggest a luminaire which is directly and remotely addressable by the remote control unit as is presently claimed.

Additionally, as is noted above, the Examiner has not shown where in the *Bansbach* reference the last two elements of Claim 1 is either taught or suggested.

Finally, given the construction in electronic description of the *Bansbach* luminaire system, there is no instructions on the luminaire for receiving associated commands as is presently claimed since all of the commands are sent by the PCM decoder and infrared

receiver 5 which must then be hardwire connected by apparently an RS 232 connector directly to the luminaire control box 2. Each light therefore is responsive to control commands made by the PCM decoder and infrared receiver 5 in response to any instructions transmitted on control line 8 by the decoder matching the settings of the switches 30.

The lack of teaching in the *Bansbach* reference is not aided by any suggestion or disclosure within the *Mullaly* reference cited by the Examiner. Particularly, the Examiner has stated that *Mullaly* teaches control modules which can individually enter programming mode when activated by a visible light sensor, and has cited to Col. 4, lines 56-60. However, the *Mullaly* reference actually states that an “appliance” may be selected and that after selection may be *responsive* to subsequent RF signals. This does not suggest or even remotely teach the ability to have instructions on a luminaire which enters programming mode for adjusting the brightness of the lamp upon reception of associated commands, *storing* data representative of the brightness of the lamp into memory and *recalling* the stored data when an infrared receiver receives associated commands. The *Mullaly* reference merely indicates that a “appliance” may be *selected* and after selection may respond to subsequent commands. There is no discussion or citation by the Examiner as to when in the *Mullaly* reference the claimed subject matter regarding to instructions in programming are found.

Further, the Examiner’s assertion that it would be obvious to incorporate the receiver of *Mullaly* into a control module of an addressable system for light fixtures taught by *Bansbach* fails to teach or suggest all of the claimed limitations set forth, as noted above, and further glosses over the fact that *Bansbach* merely discloses a control

line command system wherein emitters 1 must be controlled as a group through a serial control line 8 after communication to a separate PCM decoder and infrared receiver 5, as is clearly shown in the *Bansbach* reference and disclosed in the figures thereof. Nothing in either of the references utilized by the Examiner in the above cited combination teaches or suggests all of the claim limitations included herewith.

The *Lin* reference, cited by the Examiner, further fails to aid in this lack of teaching in that *Lin* merely discloses a detachable low wattage track mounting lamp and in no way discloses a system wherein a light track fixture may be controllable through infrared commands as is presently claimed.

As many of the elements of the cited claims are not found in any of the references cited by the Examiner, Applicant's Attorney respectfully requests the Examiner remove said rejection. Further, since Claims 2-12 depend from Claim 1, it is felt that these dependent claims are also allowable over the cited references as several of the elements presently claimed are not found in the cited references alone or in combination.

In regards to Claim 20, the Examiner has similarly relied upon the *Bansbach* reference in combination with the *Mullaly*. Applicant similarly traverses the Examiner on such combination in that the teachings of the *Bansbach* reference significantly fail to disclose many aspects of the presently claimed programmable light fixture set forth in Claim 20. Applicant's Attorney incorporates the discussions noted above with regards to the teachings of *Bansbach* and *Mullaly* and the lack of disclosure noted herein. This further relates to the claimed subject matter of each of the individual light fixtures being programmable and having instructions thereon in order to enter into programming mode and adjust the power of the light fixture when the commands are received by the infrared

receiver, the receiver, caddy track and micro-processor all incorporated within the programmable light fixture.

Disparate from the suggestion of teachings of *Bansbach* and *Mullaly* suggested by the Examiner, several elements set forth in Claim 20 are not taught or suggested in either reference, alone or in combination and therefore Applicant's Attorney respectfully requests removal of said rejection.

The Examiner has further rejected Claims 16-19 similarly under *Bansbach* in view of *Lin* and further in view of *Mullaly*. Applicant's Attorney respectfully traverses the Examiner under this ground of rejection.

As indicated above, the *Bansbach* reference clearly discloses power supplies 7 which are connected to a control box 5 through use of a serial connection line, the control line 8 sending all signals and commands from the PCM decoder and infrared receiver 5 to all of the respective lights 2. None of the references cited by the Examiner, particularly the *Bansbach* reference, discloses a track light fixture having the associated track luminaire elements, control circuitry and infrared receivers as recited in the claims. While the Examiner indicates that the *Bansbach* reference teaches an addressable light fixture caddy, nothing within the *Bansbach* reference specifically discloses that each of the individual units are addressable nor that the fixtures themselves are track light luminaires as are presently claimed. The Examiner has cited to *Lin* to further in the lack of teaching in *Bansbach* but as noted above, *Lin* merely discloses a detachable low wattage track mounting lamp and in no way teaches or suggests the infrared receiver and caddy track with a laser light sensor and lamp control electronics as well as the control circuitry and associated commands as are set forth in the claims.

As previously indicated, the primary reference relied upon repeatedly in the rejections, the *Bansbach* reference, fails to disclose significant aspects of the present invention in that it is directed towards the hard wired interconnection between the PCM decoder and infrared receiver 5, shown in the figures, and the control device 2 which controls each of the luminaires 1. The remote control, as is evident, directly communicates with the PCM decoder and infrared receiver unit 5. Nothing within the *Bansbach* reference discloses the combined addressable track luminaire presently claimed and Applicant's Attorney therefore respectfully requests the Examiner remove said rejections.

In regards to Claims 5-8, the Examiner has taken the 3-way combination of *Bansbach*, *Mullaly*, *Lin* and added the teachings of *Tonaka* (US Patent Application Publication US2002/0075386). Applicant's Attorney respectfully traverses the Examiner under this ground of rejection.

As noted above, the independent claim, Claim 1, from which these claims depend, claimed subject matter which is not suggested or disclosed in any of the three references cited by the Examiner and noted herein. The 4-way combination of *Bansbach*, *Mullaly*, *Lin* and *Tonaka* further fails in teaching or suggesting the claimed subject matter. The addressable and individually selectable light track fixture set forth in Claim 1, from which these claims depend, it is not disclosed nor even remotely suggested by the combination of the four references cited by the Examiner. For the reasons noted above, and particularly in regards to the number of references required to reach the alleged teachings suggested by the Examiner, Applicant feels that significant aspects of the presently claimed inventive addressable track light fixture are definable over the four

references cited and that these claims, as depended from Claim 1, are readily allowable over the cited prior art. Applicant's Attorney therefore respectfully requests the Examiner remove said rejection.

The Examiner has further provided a provisional double patenting rejection. Upon notice of allowable subject matter, Applicant's Attorney will provide a signed terminal disclaimer as is necessary in order to overcome such nonstatutory double patenting rejection.

Applicant's Attorney notes the further references cited by the Examiner as being pertinent to the pending application and similarly notes that no further discussion or comment need be made regarding such disclosure.

Applicant's Attorney further notes the objection to the drawings made by the Examiner. The Examiner has indicted that "many different elements in the figures are currently represented by similar boxes and circles" but is not cited to which particular figures. Applicant's Attorney invites the Examiner to contact Applicant's Attorney to discuss such similar boxes and circles which were not identified by figures in the drawings objection in order that any necessary amendments or modifications of drawings may be made. Any further labeling changes to the drawings as required by the Examiner will be made.

For all the reasons noted herein, Applicant's Attorney respectfully requests that the Examiner remove said rejection. Applicant's Attorney feels that the presently pending and modified claims are definable over the references cited by the Examiner and respectfully requests the Examiner provide a Notice of Allowance on the pending

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application. If the Examiner feels that there are additional issues that must be resolved,

Applicant's Attorney respectfully requests a collect call to discuss such issues.

Respectfully submitted,

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